

MT LEGISLATIVE HISTORY

Chapter 197 1961

Bill H 291 S _____

Original bill & hist. ___C

H. Committee on Labor & Comp.

S. Committee on Comm. & Labor

Hearing Date(s) _____ C

Hearing Date(s) _____ C

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____

Report _____

HOUSE BILL NO. 291

INTRODUCED BY MELCHER, SHELDON,

BLETTT AND EMMONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 92-714, REVISED CODES OF MONTANA, 1947, AND SECTION 92-715, REVISED CODES OF MONTANA, 1947, AS LAST AMENDED BY CHAPTER 234, LAWS OF 1957, RELATING TO THE MANNER OF PAYMENT OF COMPENSATION FOR INDUSTRIAL ACCIDENTS, TO PROVIDE FOR BIWEEKLY PAYMENT OF INDUSTRIAL ACCIDENT COMPENSATION."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That section 92-714, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"All payments of compensation, as provided in this act, shall be made at the end of each (matter deleted) two (2) week period, except as otherwise provided herein."

Section 2. That section 92-715, Revised Codes of Montana, 1947, as last amended by section 8, chapter 234, laws of 1957, be, and the same is hereby amended to read as follows:

"The (matter deleted) biweekly payments provided for in this act may be converted, in whole or in part, into a lump sum payment, which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of two per centum (2%) per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board, both as to the amount of such lump sum payment and the advisability of such conversion. The board is hereby vested with full power, authority, and jurisdiction to compromise claims and to approve compromises of claims under this act; and all settlements and compromises of compensation provided in this act shall be absolutely null and void without the approval of the board. Any approval of the board must be in writing and set forth specifically the reasons for such lump sum or compromise payment."

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LABOR AND COMPENSATION COMMITTEE MEETING

January 25, 1961

A meeting of this committee was called to order by Chairman Bentz on adjournment this date in Room 418 at 2:15 p. m. The roll call was taken with 9 members present.

Mr. Gordon Twedt, author (by request) of House Bill No. 431, gave an explanation of the purpose of this bill. Mr. Gerald T. Dunbar, representing Montana Police Protective Association, spoke as an opponent to the bill. After some discussion, it was moved by Harper and seconded by Spilde that House Bill No. 431 DO NOT PASS. Motion carried.

Mr. Melcher, one of the authors of House Bill No. 291, then gave an explanation of this bill. Following discussion of this bill, it was moved by Mr. Haughey and seconded by Mr. Emmons that House Bill No. 291 DO PASS. Motion carried.

Mr. Blewett reported that there was still a technicality which should be worked out on House Bill No. 257 so this bill is still in sub-committee.

Mr. Emmons, one of the authors of House Bill No. 309, discussed this bill. After a general discussion, it was moved by Haughey and seconded by Harper that House Bill No. 309 DO PASS. Motion carried.

It was decided that there would be a public hearing on House Bills No. 339 and No. 378 on Monday, Jan. 30th on adjournment. Also there will be a public hearing on House Bills No. 313 and No. 430 on Wed, Feb. 1st on adjournment. It was decided that proponents and opponents would each be allotted 25 minutes for each bill.

It was moved by Emmons and seconded by Haughey that the meeting be adjourned. Motion carried.

January 26, 1961

MR. SPEAKER:

LABOR AND COMPENSATION

We, your Committee on.....
having had under consideration.....

HOUSE

SENATE

Bill No.....

A BILL FOR AN ACT ENTITLED: ONE ACT TO AMEND SECTIONS 92-72A, REVISED CODES OF IOWA, 1967, AND SECTIONS 92-72J, REVISED CODES OF IOWA, 1967, AS LAST AMENDED IN CHAPTER 236, LAWS OF 1957, RELATING TO THE HOURS OF PAYMENT OF COMPENSATION FOR INDUSTRIAL ACCIDENTS, TO PROVIDE FOR EXCLUSIVE PAYMENT OF INDUSTRIAL ACCIDENT COMPENSATION.

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HOUSE

SENATE

Respectfully report as follows: That..... Bill No.....

House bills on labor

HB 140

Blewett & Dredford

Regarding increases in workmen's compensation and benefits-- injury, disabilities, injury causing death, etc.

HB 172

Keller, Hazelbaker & Dykstra

State employees not subject to federal retirement system to become members of Public Employees Retirement system; Montana Army and Air National Guard

HB 235

Hazelbaker

Election of employers to become subject to Compensation Plan No. 2; filing of records with Industrial Accident Board

HB 244

Conklin et al

Provide for the Vocational Rehabilitation of industrially injured workmen

HB 257

Hazelbaker

Contractor and his employees to come under an employer's plan of workmen's compensation

HB 291

Melcher et al

Re the manner of payment of compensation for industrial accidents

HB 309

Rygg et al

Empowering the head of a state agency of institution to negotiate and sign contracts with a labor union

HB 313

Stimatz

Provide for the welfare of people

Re the employment of persons in retirement payments

February 22, 1961

The Senate Committee on Commerce and Labor met in Room 408 at 8:30 a.m., February 22, 1961, with a quorum present. Senator Siderius, chairman, presided.

Mr. J. Miller Smith, former senator from Lewis and Clark County, representing the Fraternal Order of Eagles, appeared as a proponent of House Joint Resolution 12.

Mr. John D. Melcher, representative from Rosebud County, appeared as a proponent of House Bill 291.

A motion was made by Senator O'Neill and seconded by Senator Lehrkind that House Bill 291 be concurred in. Motion carried.

A motion was made by Senator Morrow and seconded by Senator O'Neill that House Joint Resolution 12 be concurred in. Motion carried.

The meeting adjourned at 8:45, there being no further business to consider.


SIDERIUS, CHAIRMAN

February 22, 1951

MR. PRESIDENT:

We, your Committee on COMMERCE AND LABOR

having had under consideration HOUSE Bill No. 291

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 92-714, REVISED CODES OF MONTANA, 1947, AND SECTION 92-715, REVISED CODES OF MONTANA, 1947, AS LAST AMENDED BY CHAPTER 236, LAWS OF 1957, RELATING TO THE MANNER OF PAYMENT OF COMPENSATION FOR INDUSTRIAL ACCIDENTS, TO PROVIDE FOR WEEKLY PAYMENT OF INDUSTRIAL ACCIDENT COMPENSATION."

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Respectfully report as follows: That HOUSE Bill No. 291

ment, he or his agents shall have power to issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of vegetable or flower seed which the commissioner of agriculture or his agent finds in violation of any of the provisions of this act, which order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with. The seed shall not be confiscated nor destroyed and upon proper correction, by reprocessing, labeling or otherwise, and when in the judgment of the commissioner of agriculture, the requirements of this act have been met, the stop sale order shall be lifted and the seed be permitted to be sold in the regular channels of trade. The director of the Montana grain inspection laboratory of the Montana agricultural experiment station shall formulate all necessary and proper rules and regulations relating to all his duties enumerated herein.

Prohibitions.

Section 3. Prohibitions.

(a) It shall be unlawful to sell, offer or expose for sale any vegetable or flower seed within this state:

1. Not labeled as required herein, or having a false or misleading label;
 2. Seed to which there has been false or misleading advertisement;
 3. Unless the test to determine the percentage germination shall have been completed within nine months, exclusive of the calendar month in which the test was completed prior to the sale, offering for sale, or exposure for sale;
 4. Containing weed seeds in the prohibited list;
 5. Containing weed seeds in the restricted list in excess of *one-half percent* (1/2%) by weight of vegetable or flower seed;
 6. Containing a total of all weed seeds in excess of two percent (2%) of the whole by weight;
- (b) It shall be unlawful for any individual, firm, partnership, association, or corporation within this state:

1. To detach, alter, deface, or destroy any label provided for in this act or the rules and regulations made

and promulgated hereunder, or to alter or substitute seed, in a manner that may defeat the purposes of this act;

2. To disseminate any false or misleading advertisement concerning vegetable or flower seeds in any manner or by any means;
3. To hinder or obstruct in any way any authorized person in the performance of his duties, under this act;
4. To fail to comply with a "stop sale" order;

Penalties.

Section 4. **Penalty.** Any person, firm, or corporation who sells, offers or exposes for sale or distribution in the state any flower or vegetable seeds for seeding purposes, without complying with the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) and costs of such prosecution, and upon conviction of the second or any subsequent offense shall be fined not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00) and costs of such prosecution.

Approved March 7, 1961.

CHAPTER 197

An Act to Amend Section 92-714, Revised Codes of Montana, 1947, and Section 92-715, Revised Codes of Montana, 1947, as Last Amended by Chapter 234, Laws of 1957, Relating to the Manner of Payment of Compensation for Industrial Accidents, to Provide for Biweekly Payment of Industrial Accident Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 92-714, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"92-714. (2925) **Payments made how.** All payments of compensation, as provided in this act, shall be made at the end of each *two (2) week period*, except as otherwise provided herein."

Amending clause.

Payment of compensation--when made.

Amending clause.

Section 2. That section 92-715, Revised Codes of Montana, 1947, as last amended by section 8, chapter 234, laws of 1957, be, and the same is hereby amended to read as follows:

Conversion to lump sum.

"92-715. (2926) **Monthly payments converted into a lump sum.** The *biweekly* payments provided for in this act may be converted, in whole or in part, into a lump sum payment, which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of two per centum (2%) per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board, both as to the amount of such lump sum payment and the advisability of such conversion. The board is hereby vested with full power, authority, and jurisdiction to compromise claims and to approve compromises of claims under this act; and all settlements and compromises of compensation provided in this act shall be absolutely null and void without the approval of the board. Any approval of the board must be in writing and set forth specifically the reasons for such lump sum or compromise payment."

Power of board—compromise.

Written application.

CHAPTER 198

An Act to Provide for the Creation of Special Improvement Districts Including Areas Outside Towns or Cities and Including Areas Within Incorporated Towns, Cities and Rural Areas; to Own and Operate Television Translator Stations; Provide a Method to Tax All Persons Who Use Such Stations; for the Levy and Collection of Such Taxes; Provide for the Operation, Management and Control of Such Districts; the Acceptance of Gifts of Property or Money; for the Exemption of Certain Persons From the Provisions of the Act; Penalties for the Violation of the Act and Repealing All Acts in Conflict Here-with.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The purposes of a television district shall be to serve the public interest, convenience, and necessity in the construction, maintenance and operation of television translator stations and any system necessary thereto by appropriate electric or electronic means for television program distribution, but said purposes are not meant to include the construction or operation of community antenna systems, commonly known and referred to as cable TV systems.

Purposes—
television
districts.

Section 2. Any area of the state may organize as a television district for the performance of functions provided for in this act.

Any area may
organize.

Section 3. A television translator district may include a part or all of any county or may include areas in more than one county and may include any municipality located within such county or counties.

Inclusion.

Section 4. A petition to form a district shall be presented to the county clerk and recorder of each of the counties in which any portion of the area is situated. Petitions shall be signed by owners of television sets within the proposed district, equal in number to not less than fifty-one per cent (51%) of the registered electors who are owners of television sets within the proposed district. The petition shall state the objects of the district and designate the boundaries thereof by section, the approximate number of people to be benefited thereby and shall contain a brief description of the proposed system including type of construction, location, approximate cost of the installation. It shall also state that the proposed district will be conducive to the public interest, convenience and necessity. It shall request that it be organized as a television district.

Petition—
requirements.

Section 5. Such petition shall be filed with the county clerk and recorder of all counties in which the signers on the petition are located. If the petition is filed with more than one county clerk and recorder each petition shall state the number of signers on it and the name of the county where the petition containing the most signers is filed. Upon the filing of such petition or petitions the county clerk and recorder shall examine the petition and certify whether the required number of signers are found thereon and after the examination of the petition the county clerk and recorder of any county containing the

Procedure
for filing and
certifying.